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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/681,403 03/29/01 FOSSE

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EXAMINER

028694

PM82/1107

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ART UNIT

PAPER NUMBER

3618

DATE MAILED:

11/07/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/681,403

Applicant(s)

FOSSE ET AL.

Examiner

Deanna L. Draper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-15 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 5 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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Acknowledgements

The Information Disclosure Statement filed by the Applicant on August 30, 2001 is acknowledged.

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Sweden on September 30, 1998. It is noted, however, that applicant has not filed a certified copy of the Swedish application as required by 35 U.S.C. 119(b).

Specification

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The abstract of the disclosure is objected to because in line 7, "means for inflating the airbag" is used. The form and legal phraseology often used in patent claims, such as "means" and "said" should be avoided. Correction is required. See MPEP § 608.01(b).
"The invention ..."

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 4, 13, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims state that the arrangement is "formed with a weight distribution and dimensioning of the steering wheel, airbag, and the means for inflating the airbag which correspond to" either "a moment of inertia" or "a torsion natural frequency and

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a bending natural frequency” for the steering wheel. This language is confusing. It is unclear as to what is meant by the language stating that the arrangement is “formed with a weight distribution and dimensioning”. Further explanation is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 2, 6 – 12, 15, and 17 – 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Cattaneo (US 5,921,146). Cattaneo discloses an air bag steering wheel with visible spokes, including a hub for fixing to a steering column (7 in Fig. 5), a substantially conically-shaped bowl-shaped element with an upper and lower shell (5, 6 in Fig. 5) connected to the hub (6 in Fig. 5) with at least two spokes (8 in Fig. 1) connected by a reinforcing element that is part of the bowl-shaped element (5 in Fig. 1) which connects the bowl-shaped element to a steering wheel rim (2 in Fig. 5), where the spoke is integrally formed with the bowl shaped element and hub as a single material item. The bowl-shaped element constitutes a casing which encloses an airbag and a means for inflating the airbag (Col. 1, lines 33 – 35).

Regarding the “integrally formed” language, it has been held that the term “integral” is sufficiently broad to embrace constructions united by such means as fastening and welding. *In*

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re Hotte, 177 USPQ 326, 328 (CCPA 1973). In this case, the bowl shaped element, spoke, hub, and steering wheel rim are connected with fasteners (see Fig. 1).

Regarding Claims 8 and 19 ("arrangement is formed as an integrated unit by casting"), the method of forming the device is not germane to the issue of Patentability of the device itself. Therefore, this limitation has not been given patentable weight.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 6, 7, 9 – 12, 15, 17, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fosse (WO 98/34826), and further in view of Kreuzer (US 5,655,789). Fosse discloses a vehicle steering wheel including a hub for fixing to a steering column (2 in Fig. 1), a substantially conically-shaped bowl-shaped element with an upper and lower shell (5, 6, 7 in Fig. 1) connected to the hub (4 in Fig. 1) with at least two spokes (8a, b in Fig. 1) connected by a reinforcing element that is part of the bowl-shaped element (11a, b in Fig. 1) which connects the bowl-shaped element to a steering wheel rim (9 in Fig. 5), where the spoke is integrally formed with the bowl shaped element and hub as a single material item. However, Fosse does not disclose an airbag mounted in the bowl-shaped steering wheel. Kreuzer discloses a gas bag collision safety system with an airbag (12 in Fig. 1) folded into the bowl-shaped steering wheel, in order to protect a passenger in the event of a collision. Therefore it would have been obvious

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to modify Fosse by adding an airbag to the bowl-shaped steering wheel in order to protect a passenger in the event of a collision, as taught by Kreuzer.

Allowable Subject Matter

Claims 5 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the prior art of record appears to read on Claims 3, 4, 13 and 14 as understood by the examiner, and the subject matter of the claims appears to be allowable if the rejections under 35 USC 112 can be overcome. However upon applicant's amendment to overcome the rejections and objections raised by the examiner and upon the examiner's better understanding of the invention, a comparison of the prior art to the claims will again be made.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kizu et al. (US 3,888,508) discloses a safety apparatus for steering wheel assembly. Kreuzer (US 5,085,463) discloses a gas bag apparatus for protection against impact. Szigethy (US 5,350,190) discloses an air bag assembly mount.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deanna L. Draper whose telephone number is 703-306-5939. The examiner can normally be reached on Monday - Friday, 9:00 - 6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Johnson can be reached on 703-308-0885. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

DEANNA M. PAPER
PATENT EXAMINER

dld
November 5, 2001

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11/5/01